

Remarks

The present RCE submission includes the attached Declaration under 37 CFR § 1.132.

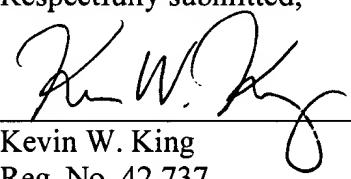
Claims 3-7, 11, 14, 49, 52, and 56 are allowed. Claims 13 and 26 are objected to.

Claims 1, 2, 8, 10, 12, 15, 16, 18, 19, 21, 23, 24, 43-47, 50, 51, and 53-55 are rejected under 35 U.S.C. § 103(a) as obvious over WO 97/34697. For convenience, U.S. Patent No. 6,114,658 to Roth et al. (hereinafter “Roth”) shall be referenced herein and considered an English-language equivalent of WO 97/34697. The rejection is respectfully traversed.

The attached Rule 132 Declaration by internationally renowned scientist Robert S. Langer evidences that the Examiner’s rejections are not supported in fact and must be withdrawn. Dr. Langer’s Declaration shows that the rejection is improperly based on hindsight reconstruction in view of applicants’ specification, because nothing in Roth would motivate one ordinary skill in the art to modify its device to derive an implantable device for drug delivery as claimed by the present applicants. Accordingly, the Patent Office has not met its burden, and no proper *prima facie* case of obviousness has been established.

Allowance of claims 1-8, 10-16, 18, 19, 21, 23, 24, 26, 43-47, and 49-56 is therefore earnestly solicited.

Respectfully submitted,



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Date: August 16, 2004
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